

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC HEALTH**

IN RE:       **Western Milling Water System**  
              Water System No. 1503585

TO:           Jim Alves, Manager  
              Western Milling  
              P.O. Box 1029  
              Goshen, CA 93227

**BY CERTIFIED MAIL**

**CITATION FOR NONCOMPLIANCE -- Water System No. 1503585  
TOTAL COLIFORM MCL VIOLATION – June 2013  
Citation No. 03-19-13C-042**

**Issued on August 26, 2013**

**STATEMENT OF FACTS**

Western Milling Water System (hereinafter Water System) is classified as a transient non-community Water System and serves a population of approximately forty five (45) persons through one (1) service connection. The Water System has one (1) active source of supply, Well 02 (PS Code: 1503585-002), one 15,500-gallon storage tank, and one pressure tank. No treatment is currently provided to the well water. The Water System operates under the authority of a domestic water supply permit (No. 03-19-12P-011), issued on April 26, 2012, by the California Department of Public Health.

The Southern California Drinking Water Field Operations Branch, Division of Drinking Water and Environmental Management, California Department of Public Health (hereinafter "Department") is responsible for enforcing the Safe Drinking Water Act and regulations promulgated pursuant thereto.

- 1 • The Water System is required to collect one (1) routine bacteriological sample  
2 per quarter. Please refer to the Water System's approved Bacteriological  
3 Sample Siting Plan (BSSP) or Table 64423-A.
- 4 • One (1) routine bacteriological quality sample collected on June 18, 2013, from  
5 the distribution system, tested positive for total coliform bacteria.
- 6 • Two (2) out of the four (4) repeat bacteriological quality samples collected on  
7 June 20, 2013, from the distribution system tested positive for total coliform  
8 bacteria.
- 9 • One (1) additional repeat sample (also counted towards the Ground Water  
10 Rule's trigger source sampling requirement) collected on June 20, 2013, from  
11 Well 02, tested negative for total coliform bacteria.
- 12 • None of the bacteriological quality samples collected in June 2013, from the  
13 distribution system or the system well, tested positive for *E.coli* bacteria.
- 14 • **Western Milling Water System failed the total coliform maximum**  
15 **contaminant level (MCL) for June 2013 [Section 64426.1(b)(2)**  
16 ***Authorities*].**
- 17 • On June 21, 2013, Tami Welker from skOO'kum h<sub>2</sub>O Monitoring, Inc., the  
18 Water System's contract sampler, notified the Department that the Water  
19 System failed the total coliform MCL for June 2013.
- 20 • On July 11, 2013, a public notice and Proof of Notification were emailed to the  
21 Water System for the June 2013 total coliform MCL failure.
- 22 • On August 14, 2013, the Department received signed and dated copies of the  
23 public notice and Proof of Notification. According to these documents, public  
24 notification was completed on July 20, 2013.
- 25 • On July 11, 2013, an investigation report was emailed to the Water System for  
26 the June 2013 total coliform MCL failure.
- 27

- 1 • On July 29, 2013, the Department received a completed copy of the  
2 investigation report in response to the June 2013 total coliform MCL failure.  
3 The investigation report was completed by skOO'kum h<sub>2</sub>O Monitoring, Inc., on  
4 behalf of the Water System.
- 5 • According to the investigation report, the Well 02 pump had been replaced.  
6 There were no leaks in the distribution system or at the wellhead.  
7 Bacteriological contamination may have entered the distribution system when  
8 the pump and pump column had been removed from the well and a new pump  
9 was installed in the well. After reviewing the investigation report, the  
10 Department staff contacted Mr. Sackett and requested additional information.  
11 Based on Mr. Sackett's email response, the well pump and pump column was  
12 replaced sometime in-between the dates of collection of routine bacteriological  
13 quality samples for May and June 2013, and he was not notified when this  
14 repair work was performed. According to the email response, after completing  
15 the repairs, chlorine was poured down the well without supervision of a  
16 certified operator. A certified water distribution or treatment operator should  
17 have supervised the disinfection and flushing of the well. The Department has  
18 no knowledge of the Water System collecting any bacteriological quality  
19 samples after completing the above-mentioned repairs to the well. **The Water**  
20 **System failed to comply with the regulations by not properly disinfecting**  
21 **the well and not collecting any bacteriological quality samples from the**  
22 **well after completion of repairs.**
- 23 • To help clear bacteriological contamination in June 2013, the Water System  
24 provided emergency disinfection and flushing of the distribution system in  
25 early July 2013. The Water System did not collect any special bacteriological  
26  
27

quality samples from the distribution system, after emergency disinfection and flushing.

- Five (5) routine bacteriological quality samples collected on July 2, 2013, from the distribution system, tested negative for total coliform bacteria.
- Results of all bacteriological samples collected from January 2013 to July 2013 are summarized in **Attachment A**.

### **AUTHORITIES**

**Section 116577 of the CHSC**, states in relevant part:

“(a) Each public water system shall reimburse the department for the actual costs incurred by the department for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

...

(b) The department shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the department. The costs set forth in the invoice shall not exceed the total actual costs to the department of the enforcement activities specified in this section.”...

**Section 116650 of the California Health and Safety Code** (hereinafter CHSC), states in relevant part:

“(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by registered mail.

(b) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.

(c) For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public water system fails to correct a violation within the time specified in the citation, the department may assess a civil penalty as specified in subdivision (e).

(d) For a noncontinuing violation of primary drinking standards, the department may assess in the citation a civil penalty as specified in subdivision (e).

(e) Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The department shall specify the classification in the citation and may assess civil penalties for each classification as follows:

(1) For violation of a primary drinking standard, an amount not to exceed one thousand dollars (\$1,000) per day for each day that the violation occurred, including each day that the violation continues beyond the date specified for correction in the citation or order.

(2) For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.

(3) For failure to comply with any citation or order issued for noncompliance with any department regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation."

**Section 116655 of the CHSC**, states in relevant part:

"(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the department.
- (3) Directing that appropriate preventative action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (2) That purification or treatment works be installed."

**California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A** establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

**CCR, Title 22, Section 64421** establishes the general requirements of bacteriological monitoring and reporting requirements and special bacteriological monitoring after repairs and or operational problems and states in relevant part:

"(a) Each water supplier shall:

- (1) Develop a routine sample siting plan as required in §64422;
- (2) Collect routine, repeat and replacement samples as required in Sections 64423, 64424, and 64425;
- (3) Have all samples analyzed by laboratories approved to perform those analyses by the Department and report results as required in §64423.1;
- (4) Notify the Department when there is an increase in coliform bacteria in bacteriological samples as required in §64426; and
- (5) Comply with the Maximum Contaminant Level as required in §64426.1.

(b) Water suppliers shall perform additional bacteriological monitoring as follows:

- (1) After construction or repair of wells;

- (2) After main installation or repair;
- (3) After construction, repair, or maintenance of storage facilities; and
- (4) After any system pressure loss to less than five psi. Samples collected shall represent the water quality in the affected portions of the system."

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

"(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Department or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

(1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or

(2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or

(3) Any repeat sample is fecal coliform-positive or E. coli-positive; or

(4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Department by the end of the business day on which this is determined, unless the determination occurs after the Department office is closed, in which case the supplier shall notify the Department within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1."

### **DETERMINATIONS**

Based upon the above Statement of Facts and Authorities, the Department determines that the Water System has violated the following:

1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated the total coliform MCL for June 2013 when more than one sample collected in June 2013 tested positive for total coliform bacteria.
2. CCR, Title 22, Section 64421(b)(1); Specifically, the Water System failed to properly disinfect Well 02 and collect bacteriological samples following completion of repairs (sometime between May 2013 and June 2013). The Water System also failed to notify its certified distribution operator before making repairs to the well.

1 The above violations are classified as non-continuing violations.

2  
3 **DIRECTIVES**

4 Western Milling Water System is hereby directed to take the following actions:

- 5
- 6 1. Cease and desist from failing to comply with Section 116555(a) of the
- 7 California Health and Safety Code (CHSC) and Sections 64426.1(b)(2) and
- 8 64421(b)(1) of Title 22, California Code of Regulations (CCR).
- 9
- 10 2. By September 16, 2013, the Water System shall submit a written response
- 11 to the Department outlining the actions it plans to take or have taken to
- 12 ensure notification to its certified distribution operator before making
- 13 repairs, proper disinfection after completion of repairs and collection of
- 14 special bacteriological samples after completing repairs.
- 15
- 16 3. The Water System shall reimburse the Department, in accordance with an
- 17 invoice that shall be provided to the Water System, the costs for enforcement
- 18 activities, and such reimbursement shall be made prior to September 1 (or by a
- 19 different date if specified by the Department) of the fiscal year following the
- 20 fiscal year in which such costs are incurred as described in CHSC Section
- 21 116577(a)(1-2) and 116577(b).
- 22
- 23
- 24
- 25
- 26
- 27

- 1 4. Any document requested by the citation shall be submitted to the following  
2 address:

3 Jaswinder S. Dhaliwal, P.E., Senior Sanitary Engineer  
4 Department of Public Health  
5 Southern California Branch  
6 Drinking Water Field Operations  
7 4925 Commerce Drive, Suite 120  
8 Bakersfield, CA 93309  
9 Phone: (661) 335-7315  
10 Fax: (661) 335-7316

11 **FURTHER ENFORCEMENT ACTIONS**

12 Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the  
13 Department to: issue additional citations with assessment of penalties if the public  
14 water system continues to fail to correct a violation identified in a citation; take action  
15 to suspend or revoke a permit that has been issued to a public water system if the  
16 system has violated applicable law or regulations or has failed to comply with orders  
17 of the Department; and petition the superior court to take various enforcement  
18 measures against a public water system that has failed to comply with orders of the  
19 Department. The Department does not waive any further enforcement action by  
20 issuance of this citation.

21 **PARTIES BOUND**

22 This citation shall apply to and be binding upon Western Milling Water System, its  
23 officers, directors, agents, employees, contractors, successors, and assignees.  
24  
25  
26  
27



**SEVERABILITY**

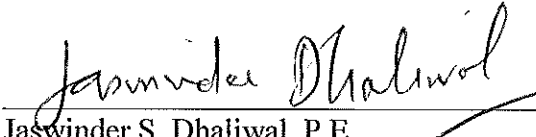
The directives of this citation are severable, and Western Milling Water System shall comply with each and every provision thereof, notwithstanding the effectiveness of any other provision.

**CIVIL PENALTY**

Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil penalty for the failure to comply with the requirements of the Safe Drinking Water Act. Failure to comply with any Directive of this Citation may result in the Department imposing an administrative penalty of not less than \$200 (two hundred dollars) for each day that the violation continues beyond the date set for correction in this Citation.

The Department does not waive any further enforcement action by issuance of this citation, and expressly reserves the right to issue a citation with penalties for the violations on which the Directives of this citation are based.

August 26, 2013  
Date

  
Jaswinder S. Dhaliwal, P.E.  
Senior Sanitary Engineer  
Tehachapi District  
SOUTHERN CALIFORNIA BRANCH  
DRINKING WATER FIELD OPERATIONS

**Attachment:**

Attachment A: Bacteriological Summary January 2013 through July 2013

cc: Kern County Environmental Health Services Department (w/o attachments)  
skOO'kum h<sub>2</sub>O Monitoring, Inc. (via email)

JSD/dc

## **Attachment A**

## ***Western Milling Water System***

***1503585***

***Distribution System Freq: 1/Q***

<b><i>Sample Date</i></b>	<b><i>Time</i></b>	<b><i>Location</i></b>	<b><i>T Coli</i></b>	<b><i>E Coli</i></b>	<b><i>F Coli</i></b>	<b><i>Type</i></b>	<b><i>Cl2</i></b>	<b><i>Violation</i></b>	<b><i>Comment</i></b>
3/12/2013	0:00	1ROU	A	A		Routine			
6/18/2013	12:43	1ROU	P	A		Routine			
6/20/2013	15:01	1REP1	P	A		Repeat			
6/20/2013	15:10	1REP2	A	A		Repeat			
6/20/2013	15:16	1REP3	P	A		Repeat		MCL	Citation 03-19-13C-042 Issued
6/20/2013	15:27	STORAGE TANK	A	A		Repeat			
7/2/2013	14:06	1ROU	A	A		Routine			
7/2/2013	14:11	2ROU	A	A		Routine			
7/2/2013	14:13	3ROU	A	A		Routine			
7/2/2013	14:14	4ROU	A	A		Routine			
7/2/2013	14:24	5ROU	A	A		Routine			

---

## *Western Milling Water System*

---

**1503585**

*Source Monitoring Freq:*

---

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
6/20/2013	15:19	WELL #2	A	A			

---